

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ALFONZ LERENNZO McKENZIE,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-21-00687-JD
)	
FEDERAL BUREAU OF PRISONS,)	
)	
Respondent.)	

ORDER

Petitioner Alfonz Lerennzo McKenzie, a federal prisoner appearing pro se, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, challenging the calculation of his sentence. [Doc. No. 1]. The Court referred the matter to United States Magistrate Judge Gary M. Purcell for initial proceedings under 28 U.S.C. § 636(b)(1)(B), and (C). [Doc. No. 3]. Judge Purcell issued an order to the petitioner to cure deficiencies [Doc. No. 4], and on July 15, 2021, the petitioner timely filed a signed petition for a writ of habeas corpus under 28 U.S.C. § 2241 [Doc. No. 5].

Judge Purcell ordered a response to the petition. [Doc. No. 7]. As part of that order, Judge Purcell ordered the respondent to analyze the grounds alleged in the petition and to include any supporting documents relied upon by the respondent. [*Id.* at 1]. The respondent timely responded to the Court's order. [Doc. No. 13]. Judge Purcell then advised the petitioner of his ability to file a response and gave him a deadline to do so. [Doc. No. 14]. The petitioner did not file a response.

On September 29, 2021, Judge Purcell issued a Report and Recommendation analyzing the petitioner's claim. [Doc. No. 15]. Judge Purcell recommended that the § 2241 habeas petition be denied because the petitioner received all the credit toward his sentence to which he is entitled under the law. [*See id.* at 10].

Judge Purcell advised the petitioner of his right to object to the Report and Recommendation by filing an objection with the Clerk of Court by October 19, 2021, and explained that failure to timely object to the Report and Recommendation waives appellate review of the recommended ruling. [*Id.* at 11]. *See* 28 U.S.C. § 636; Fed. R. Civ. P. 72. The petitioner did not file an objection to the Report and Recommendation or request an extension of time to do so. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991) (explaining that the Tenth Circuit's "firm waiver rule" "provides that the failure to make timely objection to the magistrate's findings or recommendations waives appellate review of both factual and legal questions").

With no objection being filed, and upon review of the record, the Court accepts, adopts, and affirms the Report and Recommendation in its entirety, and finds that the petition for a writ of habeas corpus under 28 U.S.C. § 2241 should be DENIED. The Court therefore ADOPTS the Report and Recommendation [Doc. No. 15] in its entirety for the reasons stated therein and will separately issue judgment in favor of the respondent and against the petitioner in this matter.

IT IS SO ORDERED this 2nd day of November 2021.



JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE